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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna"



Vasil Lyavonaw in the courtroom.

FOUR YEARS IN COLONY FOR CUCUMBERS AND POTATOES...

On January 14 Vasil Lyavonaw's criminal case was brought a verdict to. Former Minister of Agriculture of the Republic of Belarus was sentenced to four years of imprisonment in colony of strict regime and his estate was to be confiscated. The verdict is final and came into force right after its proclaiming. It can't be appealed as it had been examined by the high judicial body in the country – by the Supreme Court of the Republic of Belarus.

The prosecutor had demanded to sentence him to 8 years of imprisonment. But the jury reduced the number of articles, under which the prosecution had been made, from four to two: bribe taking (art. 169 of the Criminal Code) and power abuse (art. 91 (p.1) of the Criminal Code). It means that V.Lyavonaw had been sentenced for allegedly getting food staff (meat, sausages, tomatoes, cucumbers) and furniture (two beds, tables, eight armchairs and eight chairs) from the collective farm "Rassvet" (its head – two times Socialistb Labour Hero V.Staravoitaw, who had been sentenced earlier). In return for lobbying "Rassvet" interests and assisting in its getting a 30-billion credit for grain purchasing... The prosecution was based on V.Staravoitaw and his deputy A.Yawstrataw's testimonies, given at previous investigation of their own criminal cases. By the way, these witnesses refused to give evidence in the courtroom and at the trial it had been simply read out what had been testified earlier. Other charges brought to trial, — bribe mediation (art. 169.1 of the Criminal Code) and illegal gun possession (art. 213 of the Criminal Code) were lifted. Nobody had ever mentioned A.Lukashenka's accusation concerning his close friend Yawgen Mikalutski's assassination, which had been made soon after V.Lyavonaw's arrest. Thus a 2-year work of the investigation team, which had been guarded from the above proved to be fruitless and the trial just gave one more evidence of it.

In his last speech Vasil Lyavonaw said, "I have nothing to

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CHRONICLE

On 22 December, Tatsyana Kolyshava, Human Rights Centre "Viasna" observer, got an official reply from the Savetski District Court head to her complaint. We remind you that on December 9 during the S.Adamovich (participant of the action against Russian and Belarusan unification) administrative case examination, she was expelled from the court sitting. The Savetski Court head's reply says, "Under your complaint from 9.12. 1999, the Minsk Savetski District Court had the official examination made. It was found that on December 9, 1999 administrative case against S.Adamovich was not heard. After the judge studied the administrative report and the enclosed documents and in connection with S.Adamovich will to provide the council for defence presence, the case investigation was appointed by the judge on 13,12.1999. Thus your rights to be present as an observer at the trial were not violated. It seems impossible to estimate the militia acts and to take any measures against them as the militiamen don't belong to judicial bodies and don't submit to them."

On 27-28 December, the City Court put off court sittings on the Yawgen Asinski case. Allegedly he hit the militiaman during the march on July 27 (Independence Day). Court hearings were postponed as victim Kuntsevich had failed to show up in court, as well as the witnesses – the militiamen.

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Anti-Semitism is a state policy in Belarus

Human Rights Centre "Viasna" statement

On December 19 at 17.30 in the city of Vitsebsk Barys Khanonavich Khamaida was beaten up near his house. B.Khamaida is an honourable member of the Human Rights Centre "Viasna." He is also an editor-in-chief of independent newspaper "Vybar" (choice). Moreover, he is the Ales Adamovich (prominent contemporary Belarusan writer) Prise Winner for uncompromising political activities in the field of democracy and human rights. The week before the accident B.Khamaida had been phoned by KGB captain A.Lebedzew who had told him to come to interrogation in KGB. B.Khamaida had answered that he would not go to any interrogation by phone call. On hearing that KGB captain had told him that it would do him more harm in that case. The KGB captain's threat came true a week later. On December 19 at 17.30 B.Khamaida was approaching to his house and suddenly six men stepped forward who had severely beaten him up. They had kicked him, stole his case with documents and ran away.

Obviously the militiamen failed to find the muggers. It's not the first case when Jewish people are beaten up for participation in public and human rights activities in Belarus.

It is sufficient to remind that in 1997 director Yury Khashchavatski was fiercely beaten up. He had made a film about A.Lukashenka "An ordinary President." In the beginning of December 1999 Leanid Mindlin was beaten up. He made a film "Fear" about dictatorship in Belarus. We are greatly surprised that in spite of all these facts, A.Lukashenka is visiting Israel on 6.01.2000 at state level.

Minsk City
December 4, 2000

"Hot Spring-2000" is ahead

Belarusan judicial bodies started 2000 with several criminal cases, which are of obvious political character. In the first half of January Vasil Lyavonaw, former Minister of Agriculture was sentenced to four years of imprisonment in strict regime colony. Then Yawgen Asinski, charged with hooligan acts against the militia on July 27 last year during opposition march, was brought to trial. On 19 January Mikhail Chygir, former Prime Minister, arrested during the presidential election campaign staged by the opposition (he was nominated as a candidate for election), is going to face the trial. Charges against M.Chygir are economic but one sees any doubts in its political character.



"Hot" Automn-1999.

Thus, the beginning of the year has been hectic. The authorities just proved that they are determined to struggle against the opponents of the regime. Meanwhile international organisations, which monitor Belarus, believe that 2000 is to become the year of reconciliation and free democratic elections to the parliament. For that cause throughout the year there had been at-tempts to hold negotiations between the opposition and the authorities. But the relations established with such difficulties were unilaterally broken off by A.Lukashenka who didn't allow the opposition to have an access to state mass media and who sacked M.Sazonaw, leader of state delegation at the negotiations.

A.Lukashenka was expected to appoint a new leader of his delegation at the beginning of the year. But he failed. Moreover, the authorities are getting ready for parliamentarian elections under the law the project of which had been estimated by international organisations as non-democratic.

The OSCE Parliamentarian Assembly, preoccupied with the situation in Belarus, at the OSCE Parliamentarian Assembly regular meeting, which took place on 13-14 January in Vienna, examined the "Belarusan problem." The OSCE Parliamentarian Assembly Committee on Belarus proposed a draft resolution saying, "the OSCE Regular Committee believes that the election law, which is still being worked out, has to be agreed by means of negotiations between the opposition and the authorities in terms of international norms (Poland's amendment) so that the elections will be recognised; and calls the Belarusan authorities to strengthen trust and to follow the terms of the agreement providing an access of the opposition to state mass media; and also regrets that temporal handicaps which harden the tension and reduce trust to the political system..." The resolution was ratified by 49 European countries. Only Russia and independent Kazakhstan, Kyrgyzia and Armenia were against. Democratic opposition, meanwhile, started its campaign for human rights in Belarus. On January 12 Coordinating Council of Democratic Forces, which comprises the representatives of the most influential opposition parties and movements, adopted the decision to hold a number of actions under the title "Hot Spring-2000." Their aim, as Stanislaw Bagdankevich, leader of the United Civic Party, puts it, is to support the negotiations, organised under the OSCE's aegis and to defend sovereignty and the Belarusan state system. Hot Spring-2000 is thought to be made up of four actions of protest. The first of them is scheduled for February.

Our correspondent

Four years in colony for cucumbers and potatoes...

(continued from p.1)

expect from the trial and I don't ask for anything. Moreover I sympathise with you as you were chosen to make an illegal decision and charge me. I'm innocent..."

There are a lot of things, which prove that this case had been openly and politically fabricated by high state bodies. For example recollect the pomposity with which it started – Minister V.Lyavonaw didn't agree with the ways of economy management, his reform activities were mentioned as well as his refusal to take hand in 1996 referendum. V.Lyavonaw's case was an attempt to intimidate "the vertical" (officials) and to show them that every leader is vicious and if there is a will any one be instituted criminal proceedings against. But the authorities failed. It turned to be farce. Many of the present people at the trial pointed to it. Former Prime Minister Mikhail Chygir released on the written pledge not to flee from prosecution who is currently waiting for the trial, spoke ironically and sadly that it was not by chance that the word "tomatoes" was pronounced during the trial for at least a hundred times. And "Belorusskaya gazeta" journalist called his reporting from the courtroom: "He was eating sausages..."

"The Right to Freedom" is planning to feature V.Lyavonaw's case in forthcoming issues in order to keep our readers well informed of what had happened.

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USUAL "PRACTICE"

21-YEARS-OLD MINSK INHABITANT YAUGEN ASINSKI WAS ONE OF THE FIRST ACCUSED IN THE TYPICAL POLITICAL CRIMINAL CASE IN THE YEAR 2000.

The events of the half a year old action that was carried out by the Social Democratic Party "Narodnaya Gramada" on 27 July 1999 was the subject of the court proceedings conducted by Judge Valery Kamisaraw. We remind you that the participants of the action who violated the permitted route of protest met several police cordons. A small fight that happened during the first meeting of police and participants of the demonstration on the crossing of Minsk' streets Kupala and Internatsianalnaya can not be compared with the street fights of 1996-97 and with the fight that took place on October 17 last year. Nevertheless the authorities found someone to accuse. Yawgen Asinski who was a participant in the demonstration was one of the firsts among the several tens of arrested on 27 July and he was the only one who was put in prison. The boy was beaten up and accused of attacking a policeman. There was a criminal case instituted against him according to two articles of the Criminal Code: article 202 (p.2) – severe hooliganism and article 186.3 – active participation in mass actions that violate the social order.

At the beginning the organizer of the action, the leader of the Social Democratic Party "Narodnaya Gramada" Mikola Statkevich was accused together with Asinski under article 186.3, but during the investigation the case of the 27th of July was divided into two. Statkevich was arrested later on 17 October but he was released as a result of the massive international response on that event.

The court that was appointed on 27 December 1999 could not be started for several days. The victim, policeman Kuntsevich did not show up at the first session of the court. This made you think not only about the celebrations of a New Year but also about if he really was thinking about himself as a victim. The witnesses who were police employees ignored three court sessions: 27 and 28 December and 10 January.

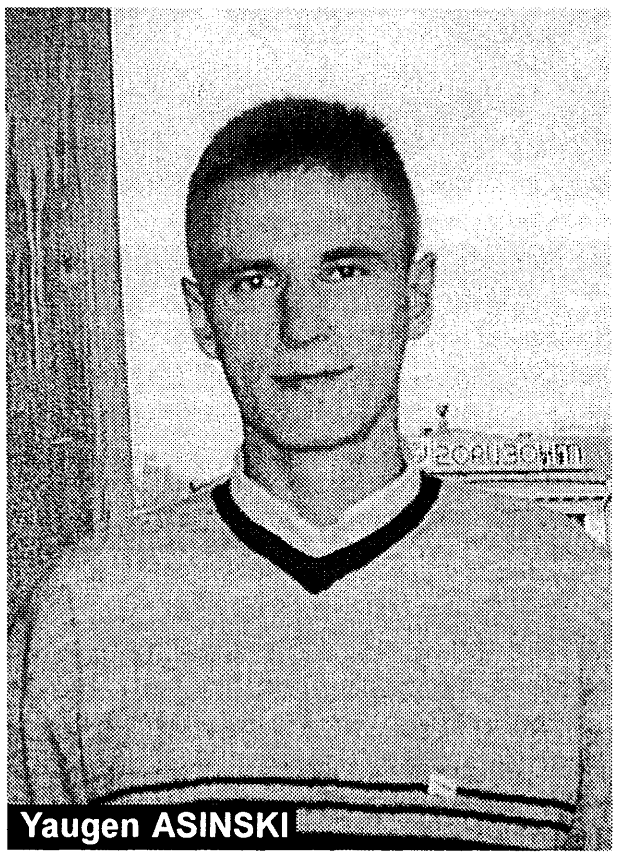
One more detail, Yawgen Asinski was accused by the same prosecutor (Syargei Chyrin) and was judged by the same judge (Valery Kamisaraw) who prosecuted and judged the assistant of the chairman of Malady Front Yawgen Skochka in May-June last year. The representatives of our justice have lots of experience in such cases.

Lawyer Natallya Tarasiuk was the defender of the accused during the process.

Yawgen Asinski was very calm during the court. He partially agreed to his guilt by article 186, but he did not agree to the accusations according to the article 201. He explained that he really raised his hand on a policeman during the fight between the participants of the demonstration and police, but he did it because the policeman raised his hand with a cudgel. "I did not want to hurt this policeman, I just wanted to prevent him beating people with a cudgel", said Yawgen to the court. He did not want to complain about several policemen beating him cruelly during his arrest a little bit later. But this fact was stated in the case. Answering the defendants' questions Yawgen Asinski explained that four policemen arrested him in the underground station Victory Square, took him to the charge office and beat him there just a little bit on his legs and kidneys. They put 5-8 strokes on different parts of the body. The arrested did not show any resistance, this is why we can say that such practice is a usual practice of our police. The victim Kuntsevich did not see who beat him during the fight but turning back he saw a young man who was running away in the crowd. When he came back to the police station the victim did not complain about being beaten up. Kuntsevish told that he was informed that the man who beat him was arrested. He says that he did not have a cudgel in his hands during the fight, as there was an order not to beat anybody. He says that he was not in the first line of the cordon but in the second, and that the second line was much stronger than the first one. It was created to support the first line of the cordon. Here we come to the unanswered question: Did policemen of the second cordon have cudgels that were the reason of the action of Yawgen Asinski?

According to the words of the victim Kuntsevich his cudgel was on his belt, but two other witnesses said different things. Student Syargei Barstok told that the policemen of the second cordon held their gummy cudgels in horizontal way and pushed people to Kupala Street. The witness D. Lyavitski told that the policemen tried to defend themselves with their cudgels but he could not explain how they were doing it. The hope that video recordings could bring some clearance to these questions was vain, as only the first line of police cordon was shown on this tape. The second police cordon was hidden from court and public because Yawgen Asinski was saying the truth.

The cameraman Alexander Korf said that the tape shown during the court was made from 3 video recordings. This film has the fragment that allowed the court to accuse Asinski. It shows the movement that was later called the stroke on Kuntsevich, but in reality this fragment even if shown in slow motion does not prove anything



Yaugen ASINSKI

and there is no witness in this video recordings. To believe the cameraman you should not know today's political situation and the methods used by the police. Such tricks were used in other court processes against opposition.

The witness Korf thinks that the stroke was prepared beforehand as cameraman just turned the camera to another direction, but Asinski did not see that there is one more camera man recording from another distance. Korf meant himself as he recorded the main fragment. Afterwards he was looking for Yawgen Asinski in the crowd and the description of his appearance was given to other policemen. The witness Alexander Gulyankow says that the description of Yawgen Asinski was given to the policeman Sharshun. Gulyankow explains that he and his colleagues could not arrest Asinski just after the demonstration, as opposition would not understand it right. He says that the talks about beating up Asinski during his arrest in Victory Square metro station is an absolute nonsense and such statement is very understandable as Gulyankow is the one who arrested him.

The witnesses from the police made every effort to make an impression that the accused took part in the action having a precise idea to beat up a policeman and immediately run away but they defended their colleague. Policeman Lyavitski thinks that Asinski kicked Kuntsevich with his leg in the head as if he is capable of doing this. The accused was created an image of trained madman who absolutely answers the propaganda cliche used by the authorities.

Half of the police witnesses told that they came to the action to keep the

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To be a citizen...

The monologue of the painter Ales' Pushkin who received two years of imprisonment with 2 years delay for performance he did during the day of the end of the legitimacy of president A.Lukashenka.

I have a usual biography. My grandparents, great-grandparents, parents lived in a small town Bobr. I was born there, studied at the local school. I liked to draw pirate ships, winter landscapes with sledges – a horse, a sledge, an evening farmhouse, light in the window. My father brought me to Minsk to enter the Republican art boarding school. Now it is a Republican art college. I passed all the exams and was admitted.

First rebellion

1983. It was 11th form of school. We, two eleven forms, organized the hunger strike against the actions of the administration. We wrote a petition with several demands, such as to allow us to work in the workshop till 11 o'clock, to forbid the teachers to abuse us with bad words such as "cow", "stupid", to make the workers of the canteen keep the sanitary norms etc. Eight and ninth forms supported us. Can you imagine that during the breakfast time the youngest children are eating, the oldest did not come? They wait, we do not come. Dinner, we do not come. Supper - the same. The next day we were gathered in the conference hall. The new headmaster was very scared and was repeating all the time: "What problems do you have? I just came and I do not know what happened". Ira Shkindzerava (her father was a veteran of war) came out of the crowd and read the list of our demands. We were promised that the administration would gather the schoolboard and that they will make changes. We were promised to be told about their decision.

We went to the canteen with joy. Then they used the following tactics. They worked with everyone independently, saying: "You are the school leaving form, you need to enter the university, we will write in your references that "if you want to have a student that will make rebellion take him". Everyone was scared, girls started crying. What have we done, now we will not be admitted to university, what to do, how to live. It turned out that our first rebellion against administration had no consequences.

About the military lessons

I ended the school and entered the Theater and Art University. My characteristic was very interesting, it said, that I had my "own stubborn character". Those times there was the rule to take people for military service after the first year of university. I was taken to the army. First instruction regiment, then helicopter division, mechanic on weapons. I put bombs, rockets, prepared helicopters for flying. But I was a pacifist. The psychologist in the military headquarters said: "He has orientation against the army". After instruction I was sent to the war in Afghanistan, to the north - east section. In Afghanistan I wrote a diary, I wrote it in the Belarusan. The majority of the soldiers were Russians and they did not understand what I was writing. Once I was punished and the chief of the punishment department was Belarusan. He took my diary and read it. He read it, understood everything and reported to the chief of the headquarters of the regiment major Kulikow. I was called by him and told that my diary had ideas that were against the policy of the party and our country in Afghanistan. I received ten more days of arrest. I wrote what I saw in my diary. We were driving through Kabul and old women where spitting at us. After 10 o'clock in the evening the cars where hurrying to return to the bases as shooting would start and no one knew who and from where was shooting. Russians pass on the car the Afghanistan shop with fur coats hanging outside and would take everything while passing by. The Afghanistan people gave up displaying the goods outside. Afghanistanians called Russians "tsap-tsarap." Such ordinary things I was putting in my diary.

About life principles

After Afghanistan I was a different person, I was free...

First five days of arrest I received for agitating people to take part in Dzyady-88. I was standing near the entrance of the university and was spreading typed leaflets among students. I was arrested there. I did not get to Dzyady due to my arrest. Then I decided not simply to protest, but to protest in an art form.



A.Pushkin's performance.

I decided to make an exhibition dedicated to the Belarusan People's Republic (BPR) at university. The exhibition was cancelled. Then I decided to make it on the street. In philosophical sense BPR is the example of our state, the highest peak though the BSSR was the member of the UN.

I made posters, asked my friends, we blew up balloons, made a stork, took posters and started. Policemen stopped us.

After the action I was taken to the police headquarters of the Savetski district.

Policemen never beat me. Everyone called me Alexander Mikalaevich. Maybe it is the respect to the family name Pushkin, maybe respect to the artist. It is police professional rules to put arms behind the back but I was never beaten. They were always polite. After the events of the 25th of March 1989 I decided never provoke and lead other people who had their own lives, studies, wives, jobs, children. I promised myself to do everything alone. Now I have a principal not to agitate others, now I protest alone.

About frescoes

From 1992 till 1996 I was working on frescoes in Magilew cathedral of Saint Stanislaw. It was a very difficult job, the restoration of the old painting. Belarusan Catholic Gramada restored two and a half thousand meters of frescoes. I also painted in Baroque style several stories of frescoes. Saint Antonio Paduanski is my best fresco in Magilew, Saint Tadeush, the helper in cases of the desperate; Saint Cecilia, the protector of the cathedral music and choir; and cardinal Sviontak. The leader of the Belarusan Popular Front Zyanon Paznyak was married in this cathedral and we drew him in this cathedral together with other outstanding people of Belarusan national rebirth and state symbols (Constitution of 1994, white-red-white flag and emblem Pagonya). Later this fresco was covered with a big sheet on which it was written: "restoration being carried on". It was done when Paznyak had just immigrated. Fresco had been covered for one-and-a half years but now you can see it.

I decided to live, to build a house and to start a family on my motherland in Bobr. It is very nice, very pure to live in nature. To live, to draw pictures, to restore churches and cathedrals and to be a citizen.

Performance of the 21st of July

Now about 21 July, the day, when

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the official legitimacy of A.Lukashenka ended. I knew that Lukashenka would pretend that nothing has happened after 21 July, taking into consideration the Constitution of 1996. I created a very characteristic and national speech "whe-re you have put us we will put you". I was thinking for a long time about something that could characterize Belarus as a rural appendix of Russia. I created the image of a carriage with pus. Red bright Soviet carriage, pus, symbols imposed by Lukashenka - everything is his contribution to history. He could be as Vsyaslaw Charadzei, he could be brighter than the first presidents of the Belarusan Peoples Republic if, he had created a real powerful Belarus. He could have started the new history of Belarus. We would consider BPR the first piece of clay from which we would have created the real state. Two people knew about this performance besides me. They warned me that there was one unpleasant thing, the guards might start shooting. I consulted with a person who was on service in Derzhynski division and with a military psychologist. I described the situation to them: "Imagine the following situation. The object you are guarding. All of a sudden there is a small carriage coming towards this object and a person who is hurrying to do something, is pushing it. What would you do being a guard?" The answer was the following: "The first idea will be - a madman, the second - maybe he is a kamikaze, trying to make an explosion. The reaction would be a warning shoot, then shooting at the legs, maybe they can kill you. The person who is guarding the important object would not think that there is pus in the carriage." The main threat was that the guard would start shooting. When I started to push the carriage the journalists started to take pictures (I told about my idea only to one person who showed journalist' solidarity but did not betray me). The policeman turned out to be a very young man, he was lost, ran to me and tried to stop me. I did everything I wanted to do. Took the pus out of the carriage. I was immediately arrested. I was in a perfect mood. I did not give them my personal information, I only told that "I am a peoples person. Let's wait. Maybe in a day or two, or three I will tell you who I am". They were offended, and every 15 minutes they demanded my name. I had no documents, only 100.000 rubles and a return ticket to Bobr. I was neatly dressed, shaved, when the chief of the guards of the presidential palace came in. I said to him that I was in a good mood and it was God's will for me to make this speech. "We believe in God, that is why we protest in a Christian way without bombs. I knew what I was doing. I knew that I could have been shot". He said, that was what he wanted to know. He wanted to know if I realized what might have happened. In the evening policemen told me that they knew me, they received the conformation that I was the painter Pushkin. I was released till the court session. I went back to Bobr with the night train.

Recorded
by Palina STSEPANENKA

They spit in your face you clean it and go on

Realities of our live

1.

On the 5th of March 1996 Varantsow Uladzimir Pilipavich, 67 years old, an inhabitant of the town Chavusy in the Magilew region was going home from his old, good friend. The friend was so old and so good that they drank a bit. They drank a glass or two, or maybe three. Uladzimir Pilipavich was going home in a good mood.

The street was dark and empty. Two policemen approached him. They stopped him and ordered him to follow them. Uladzimir Pilipavich was interested where they were taking him and what for. He received an universal answer, that he would find out in vytrezvitsel (place to sober up).

The acquaintance of Varantsow came to them and started asking for him. The policemen ordered him to shut up, otherwise they threatened to take him to vytrezvitsel as well. Then Varantsow decided to take the last chance. He told that his house was in 200 meters and he could go there nicely and peacefully, but it did not help. Uladzimir Pilipavich gave up and followed the policemen. On the way to vytrezvitel the policemen were very curious if the old man had any money. Not a gun, not a knife, but money.

In vytrezvitsel Uladzimir Pilipavich started to beg them to let him go. He was embarrassed, he lived so many years and nothing of this kind had ever happened to him. It did not help. It should be reminded one more time that Varantsow was not 17 but 67 and his health was not so strong. He felt bad. He complained about a bad heart and asked for medical help.

The policemen just laughed about his complain and ordered him to undress, leaving only his boxer shorts on. Afterwards they pushed him almost naked and barefoot into a cell with an ice-cold floor.

In one and a half, two hours they had some pity and let him go. Here some legal questions appear. If they released him so quickly, why did they arrest him at all? Did they arrest him only to undress him and to check his pockets? If they released him so quickly why did they fine him? They needed one more arrest for fulfilling the plan.

2.

Uladzimir Pilipavich did not leave the case like this. This is the continuation of the events.

Uladzimir Varantsow lodged a complaint to the district prosecution office. Then he complained to the regional prosecution office and two times to the Republican prosecution office. Uladzimir Pilipavich wanted to receive answers on the following questions. The first one is whether the police has the right to arrest an old man being slightly drunk, who peacefully goes home disturbing no one.

The next one, why a 67 years old man being in a state of nervous breakdown was refused to get medical attention. The third one is whether the policemen have the right to put an old ill person in to the ice-cold cell without medical check up that is obligatory by instruction.

And finally, if the police should give the arrested some document stating what his money was taken for. Varantsow did not receive any document.

You can not say that Uladzimir Pilipavich received no answer from the important state bodies. The Magilew region prosecution office found out that Varantsow was really arrested by the policemen of Chavusy district for being drunk in public place. The fact of him being drunk is proved by the policemen Prusyankow, Sukhavaraw and Tseramaw as well as witness A.P.Kaban'kow, he was checked by medical attendant Kakhanowskaya and because of the middle degree of drunkenness he was put in the ward of vytrezvitsel.

What shocks one here? Varantsow does not deny that he was drunk, moreover there is no dry law in this country. He wants to find out a different thing. He wants to find out why he was treated like a criminal. He also wants to find out why he was humiliated without any reason. Prosecutor Baguslawski proves to Varantsow that he was drunk and that is why he was put into the ward.

That reminds us of the talk of the deaf and dumb.

3.

Almost the same answer came from the Republican prosecutor's office. The assistant of the general prosecutor I. Sashchenka explained to Uladzimir Pilipavich that according to the order of the Ministry of Internal Affairs № 106 of the 30th of May 1985, which is still valid on the territory of the Republic of Belarus, people in drunk condition, that humiliate person's dignity and social morality, who are on the streets, in the park, stations, and other public places are taken to the medical vytrezvitel.

It was also stated that Uladzimir Pilipavich was on Frunze Street in his town Chavusy being so drunk that he could not walk straight and disturbed the citizens. Ok, everything is correct, but Uladzimir Pilipavich could not disturb the citizens, as there were no people on the street. But the assistant of the general prosecutor in Minsk can see it better. What happened? You should not

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EVENTS FACTS COMMENTS

(Beginning on p.1)

On 27 December, the ex-rector of the Gomel Medical Institute Yury Bandazhewski who was arrested in spring 1999 was released on written pledge not to leave the town. This decision was made because of the state of health of Yury Bandazhewski. The official reason for his arrest was bribe-taking from candidates, but the public opinion connected his arrest with his scientific work. Yury Bandazhewski proved that the most terrible consequences of Chernobyl disaster would be in the future. At the same time official authorities try to convince people that it is not dangerous to live in the contaminated areas.

On 27 December, the presentation of the organizational committee of a new public organization took place in the office of the Human Rights Center "Viasna". This is an organization of woman relatives of whom where repressed by political reasons. The members of the organizational committee are the mother of Vyachaslaw Siuchyk, one of the leaders of the BPF; the wife of the chairman of the BPF Vintsuk Vyachorka, and also wives of the imprisoned deputies of the Supreme Soviet of the 13th convocation Andrei Klimaw and Uladzimir Kudzinaw; the daughter of the imprisoned former Minister of Agriculture Vasil Lyavonaw. The women have the intention to apply for the registration of their organization. The main aim of the new organization is to defend the rights of politically repressed people and their relatives. The Human Rights Center "Viasna" will help the women to prepare the necessary documents and to register the new organization.

On 30 December, the meeting of the parents the children of whom died at Nyamiga metro station on 30 May 1999 took place one more time. The chairman of the center of social health "Nyamiga-99" Natallya Navakowskaya (mother of Alyawtsina Navakowskaya, born in 1985) told that the official investigation on this case was prolonged till the end of February 2000.

On 1 January, the new tax law came into force. According to this law the entrepreneur has to pay tax on additional costs two times. He has to pay 20 percent from its cost on the border while bringing goods to the country and he also must pay 20 percent from the monthly turnover. The leader of the Grodna enterpreneurs Valery Levanewski said that there is a decision to start a strike of free entrepreneurs in the entire country on 1 February.

From 8 till 9 January, the tournament of mini football under the slogan "Football against racism" should have taken place in Borisaw. The teams of the Malady Front from Minsk, Association of the Belarusan Language "Litviny" from Zhodzina and others were invited to take part in the tournament. In the evening on 6 January the headmaster of the school in the sport hall of which the tournament should have taken place informed the organizers of the tournament that it would be impossible to conduct it because of an electricity breakdown. According to the words of one of the organizers Zmitser Barodka the organizers tried to make a private investigation but they could not enter the sports hall. The organizers came to the conclusion that the tournament was banned by order of the local authorities. It turned out that the headmasters of all Barisaw schools were forbidden to carry out any sports tournaments on 8-9 January, even in the open air.

On 9 January, the awarding ceremony of Russian independent literature and art award "Triumph" took place in a Bolshoi Theater. World famous Belarusan writer Vasil Bykaw received the award. Vasil Bykaw had to leave Belarus for political reasons and now lives in Finland.

On 11 January, in the court of the Minsk Savetski District a court session on the case of the journalist and human rights activist Valery Shchukin took place. He was arrested after the action of the 8th of December near the editorial office of "Narodnaya Volya". During the court proceedings Shchukin said that he took part in the action as a journalist and that he did not violate the public order. The policemen who were witnesses in this case made different statements. One of them said that he arrested Shchukin at Yakub Kolas Square. Judge Ina Sheika reminded him that in his report he indicated Victory Square. The policeman then agreed to Victory Square. Lawyer T.Vardomskaya says that not only the witnesses did not arrest Shchukin that day but that it is obvious that they did not take part in the action. The judge Ina Sheika found V.Shchukin not guilty.

On 11 January, Judge L.Yasanovich postponed the court proceedings of the case of the reporter of the program "Rezanans" A.Zimowski on 9 February. This case was opened after a complain lodged by the pensioner Vera Tserlukevich who is an activist of the opposition. She was offended by the words of Zimowski describing the participants of the Freedom March that took place on 17 October last year.

At the beginning of January the Supreme Soviet of the 13th convocation addressed to the president of the Ukraine Leonid Kuchma with the request to give information about the possible staying of Viktar Ganchar and Yuri Zacharanka in the Ukraine. This request was ma-de after the statement of Lukashenka who said that disappeared leaders of he opposition are on the Ukrainian territory.

At the beginning of January the Gomel Regional Executive committee issued an order that regulates the contacts of the employees of the Executive Committee with journalists. It says that the executives of the committee will speak with journalists only on the principle of professional hierarchy. The ordinary employees are forbidden to talk to the press. The chairman of the Gomel regional organization of the Belarusan Journalist Association Anatol Gatowchyts thinks that this document is directed against journalists of the independent papers.

THEY SPIT IN YOUR FACE YOU CLEAN IT AND GO ON

(Beginning on p.5)

be assistant of prosecutor to create such paper. It can be written by any ordinary policeman in a couple of minutes. That is why the highest authorities did not see anything in this case.

Uladzimir Pilipavich did not prove anything. His correspondence with the authorities ended itself, the only thing he reached was the special attention from the side of local police.

His attempt evokes respect, because we have another practice. They spit in your face, you clean it and go on. The times when they could not only spit but also shoot are not so far and are not forgotten.

This event is rather old but is still very typical. It depicts the relationship of Lukashenka authorities and the people. Let us remember the Freedom March. Generally speaking during the March happened the same what happened to Uladzimir Pilipavich. Maybe it was crueler, opener, ruder, but the ideological base was the same - total humiliation of life of an individual.

It turned out that the main role of police institutions in our "free and democratic" country is to frighten a person, humiliate and turn him into a speechless animal. It is done to prevent the appearance of the questions such as "why we live in such a bad way" and "who is to blame".

It is important to frighten the people every day, every minute, young and old.

Andrei SYARZHAN

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USUAL "PRACTICE"

(Beginning on p.3)

order being plain clothed. They stood among the crowd dissolved in it. According to these witnesses the plain clothed policemen can be divided into the communication groups, arresting

The court refused to call witness Kaspyarovich. The prosecutor Chyrin insisted on the point that everything can be seen on the video recordings and that there is no necessity to prolong the process. He called Yawgen Asinski an active participant of the demonstration who is dangerous to the society. The prosecutor does not believe Asinski as he does not remember which type of cudgel the victim had and where was the handle of it. This is what the opposition should know now - the classification of the special means of police. The prosecutor demanded 2 years of conditional sentence, the defender Natallya Tarasiuk pointed out that most of the witnesses during the process had common intentions and that there were several violations of the law during the process of investigation. For example the identification of Asinski by picture was done without protocol and confrontations did not answer the norms of Criminal Code. The copy of the recording (not original tape) can not be the proof of the guilt of the accused. Moreover this tape was given to the court with the violations of the procedures. There was no information about the people who took the recordings. The main point is that different people who did not work on this case conducted all interrogations during the investigation. There was an investigation while there was no official investigation group. According to the article 125 no one who carried out the interrogations had the right to do so. The decision to create the investigation group appeared only after the 31st of August 1999 at the remark of the defender about the illegal nature of such actions. The defender found in case deleted pages and corrected numbers after the 12th page. Someone's hand was correcting the materials of the case.

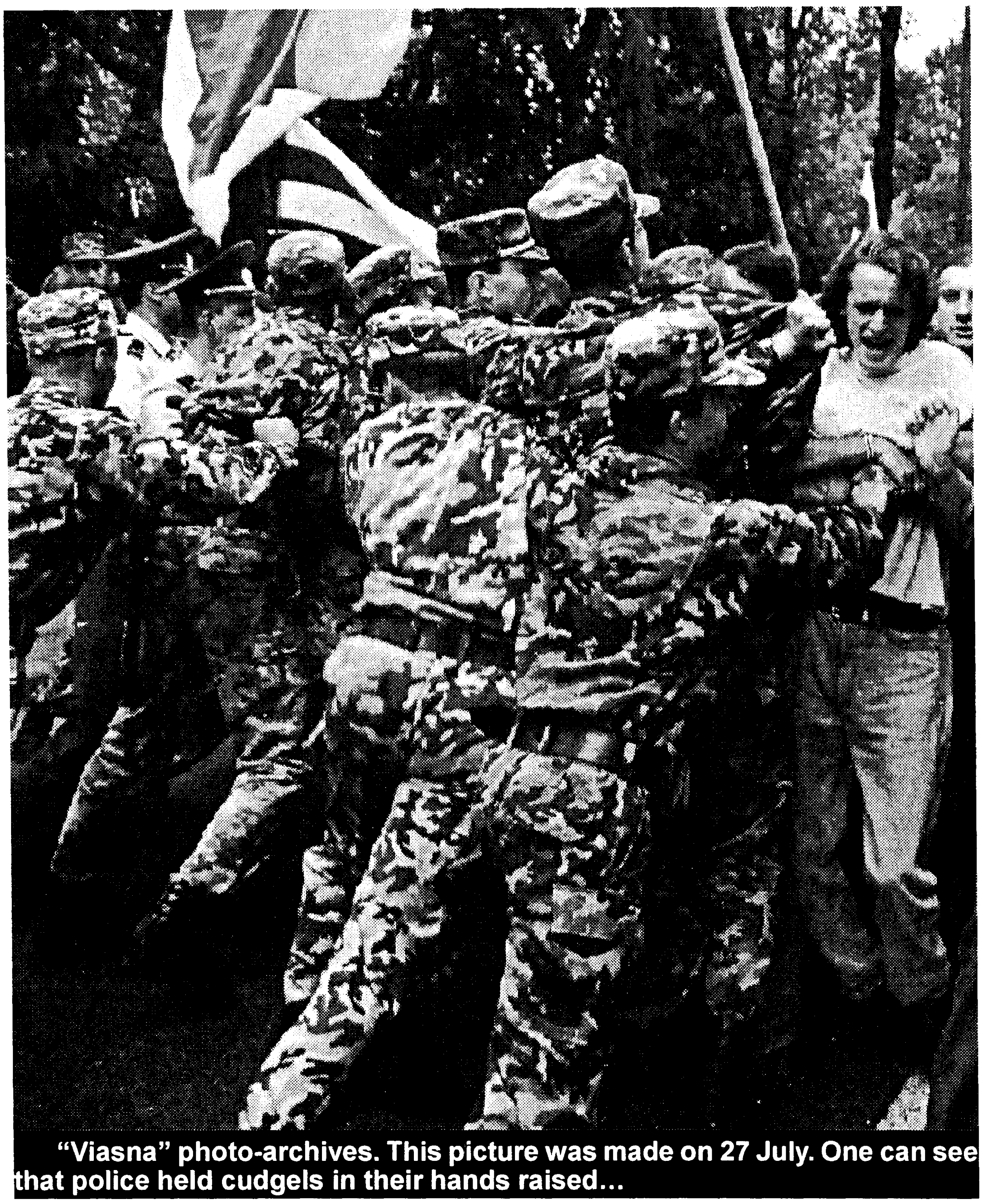
The defender of Asinski says that the article 186 presupposes not less than two people being guilty. And really, what collective actions could the accused make alone on Minsk streets? According to this article the main leaders of the actions can be accused but looking at the statements of witnesses we can say that the accused was not shouting, swearing, breaking the cordon, he was not doing anything out of the ordinary.

As to the hooligan article of accusation, the statements of the witnesses do not prove these accusations. According to the resolution of the Supreme Court there should be prove of ones' disrespect to society. The defender thinks that this case is not about the society and not about the violation of the social order but about the injury of one policeman. The defender thinks that the article of accusation should be changed from 201 (p.2) to 185 (p.2). Tarasiuk asked the court not to send the accused to the obligatory works as he has permanent job and good profession. The accusation insisted on taking 20 percent of Asinski's salary to the budget and on his danger to the society.

We can not but agree with defender Tarasiuk that the strokes that were given to Yawgen during his arrest on the underground station after the demonstration can't be adequate even in regard to his actions during the fight with police. The authority started practice of accusing one person from thousands of participants to scare the others. Several years ago Vadzim Kabanchuk was accused in the same way. He also defended people from policemen during the opposition action. The authorities tell us not to defend others and ourselves. In the case of Kabanchuk his victim has a very interesting destiny, he was "thrown away" from police and he became a drunker afterwards. I asked the victim Kuntsevich if he was happy that his abuser was accused. He looked at me seriously and answered: "Glad, what sort of questions are you asking me?" Probably this man was a victim by order.

Tatsyana SNITKO

P.S. On the 18th of January there was a decision on the criminal case of Yawgen Asinski made. Yawgen Asinski was sentenced to 2 years of improvement works on his main place of work with 20 percent of his salary being paid to the government.



"Viasna" photo-archives. This picture was made on 27 July. One can see that police held cudgels in their hands raised...

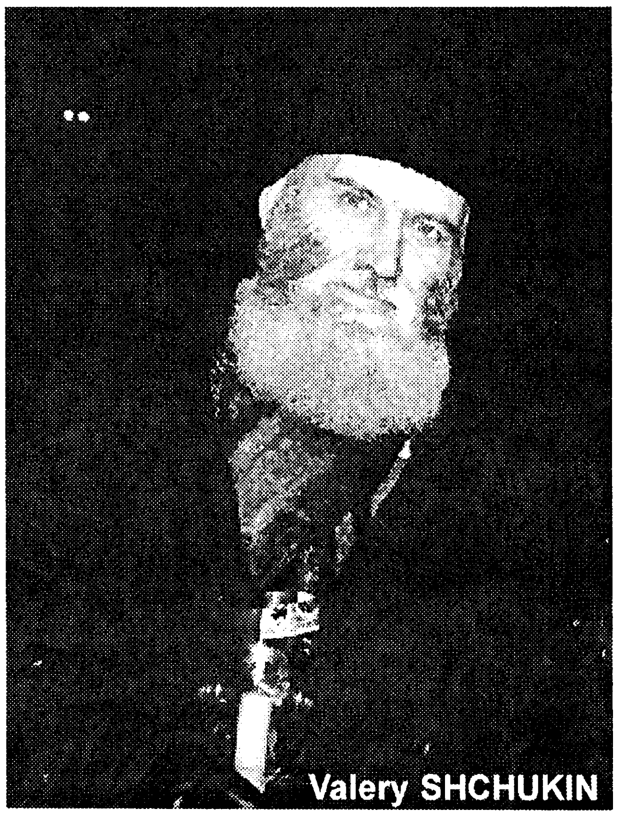
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VALERY SHCHUKIN

CUSTODY UNIVERSITIES

The year of 2000 – the last one of the second millennium began for the prominent human rights activist Valery Shchukin with next in turn trial. It was 21st criminal proceedings instituted against V.Shchukin by the A.Lukashenka's totalitarian regime. This trial was the fifth one, which was held in the Minsk Savetski district court. And this was the third meeting of V.Shchukin and I.Sheika – the judge of the Savetski district court – on different sides of "barricades." Previous ones took place in April 1999 and in May 1999. This time judge Inna Valer'yewna Sheika is charging journalist V.Shchukin for participation in action of protest against unconstitutional signing of the unification treaty with Russia which was signed by A.Lukashenka.
Exactly one year ago, on 11 January 1999, Andrei Gancharyk – the judge of the Minsk Savetski district court – sentenced V.Shchukin to 10 days in administrative detention for the same "crime" – participation in the picketing. Valery Alyakseevich was then only three weeks at large after serving 15 days in custody centre for participation in the picketing held by the trade unions. Valery Alyakseevich is the most "experienced" in the field of serving term behind bars in custody centre in Akrestsin street human rights activist in Belarus. He wrote a lot of notes about conditions there. Unfortunately these notes were not published last years. Nevertheless, you will see it they are not out of date yet.


Valery SHCHUKIN

A TERM DIFFERS FROM A TERM...

Under Belarusan legislation one can be kept in pre-trial detention for one year and a half. After serving this term the accused must be set free without any condition and without written pledge not flee from persecution in future.

But in fact the situation in Belarus is different. The term of imprisonment declared by the prosecutor is nothing for custody administration. There were examples when the accused people had been kept behind bars for more than two years. The constitutional provisions and those of the Criminal Code are simply ignored.

As for custody centre in Akrestsin street people are usually set free sharp in time stated in the court resolution. To tell the truth there are still exceptions. They can, for example, keep a man till the morning in custody centre while he or she was to be released under the court resolution in the night. As far as the legitimacy of such actions of custody administration is touched we can dispute it, but at least they are logically excused. As for release ahead of schedule of a man that is under court resolution kept in custody centre it is violation of the Constitution and the law. It happens very often.

My cellmates told a lot of stories about such examples. When militiamen took a man suspected in committing a crime (formally he or she was put behind bars for certain administrative crime) and brought him or her to the judge and then brought him back to the custody centre with new court resolution and new term to serve.

For example they made such an "operation" thrice with Paval Znavets – deputy of the 13th Supreme Soviet. "At one sitting" he got three terms in detention – each one was 5 days, and a penalty. As a result the deputy that first was put in custody centre for 5 day spent there 15 though there were no claims of custody administration about his behaviour.

They treated Vyachaslaw Siuchyk a little bit differently. He was serving his term in custody centre for participation in the action of protest against deteriorating of living conditions held by the trade unions while all of a sudden militiamen took him to the Minsk Maskowski Administration of Internal Affairs. It happened when Vyachaslaw was left just one hour to be in custody centre. From Administration of Internal Affairs he was set free. The matter is the authorities wanted to prevent Vyachaslaw Siuchyk from ceremonial meeting near the gates to the custody centre in Akrestsin Street.

ILLEGAL AND FORCIBLE CONVEYANCE TO THE COURT.

Militia detail from the Central Administration of Internal Affairs has come to the custody centre, where I was kept, to take me to the court when I was left also three hours to spend there. Under the law the militia is merely empowered to detain people in cases of preventing a crime, identification a personality or drawing up a charge sheet (art. 239 of the Administrative Code of the Republic of Belarus). The rest reasons of detention are simply illegal. But by that time I didn't break anything. My white bearded face is well known by militiamen. The needed charge sheet was drawn up and signed by me yet before putting myself to the custody centre.

That is why actions of militiamen and the order given out by head of the Central Administration of Internal Affairs about handing myself to those militiamen were illegal. Only a judge or a prosecutor can issue legal order about it. As for investigator he or she are empowered to take the arrested man away only from custody centre while investigation is going on but not from a prison.

But nevertheless the administration of a prison where I was kept did break the law and handed myself to militiamen from the Central Administration of Internal Affairs. I being an opposition journalist have difficult relations with this Administration of Internal Affairs. It was the Central Administration of Internal Affairs where the militiamen brought myself. They brought myself beaten unmercifully after April 1997 execution of the authorities with marchers in Kammunistychnaya St. to this charge office. Once they burst into my flat in the middle of the night, dragged off myself from the bed, surrounded myself and while I was lying on the floor they kicked me with their boots. After that they again brought myself to this charge office. It was the Central Administration of Internal Affairs where they brought me again after this execution. The Prosecutor's office didn't consider these actions as well as previous ones as a crime.

(To be continued)

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